

BILL # HB 2320

TITLE: gun-free zones; liability

SPONSOR: Graf

STATUS: As Introduced

REQUESTED BY: House

PREPARED BY: Kim Hohman

FISCAL YEAR

2003

2004

2005

EXPENDITURES

Risk Management Fund

\$0

Cost cannot be determined

FISCAL ANALYSIS

Description

HB 2320 specifies that any entity that establishes a gun-free zone is liable for damages that result from criminal conduct occurring in the gun-free zone, if a reasonable person would believe that possession of a firearm could have helped the injured individual defend against the criminal conduct. The bill also specifies that if the injured party is an individual under the age of sixteen, or over 70 years of age, the entity establishing the gun-free zone could be liable for triple damages.

Estimated Impact

State buildings are gun-free zones. As a result, the state could be liable for damages from criminal conduct in a state building under circumstances specified in the bill. There is, however, no reliable means of determining a potential state cost since we do not know: 1) how often the criminal circumstance described in the bill will occur in a state building; 2) whether any injured party would pursue legal action against the state; 3) the age of the injured party; or 4) whether the court would award damages to the injured party. In the event that a lawsuit is pursued, the Office of the Attorney General (AG) would represent the state and any damages awarded by the court would be paid by the Risk Management Fund administered by the Arizona Department of Administration (ADOA). The Risk Management Fund receives its revenue from charges assessed on all agencies insured under the state's risk management system. The fund therefore consists of both General Fund monies and other appropriated funds.

The AG does not have a cost estimate for this bill.

Local Government Impact

The fiscal impact to local governments would be similar to the impact to state government.

2/26/03